

EFFECTIVE DATE OF REPEAL

Pub. L. 105-220, title I, §199(c)(2)(A), Aug. 7, 1998, 112 Stat. 1059, which provided that the repeal made by subsection (b)(1) (repealing sections 11421, 11461 to 11466, 11471, and 11472 of this title) would take effect on July 1, 1999, was repealed by Pub. L. 113-128, title V, §511(a), July 22, 2014, 128 Stat. 1705.

PART B—EDUCATION FOR HOMELESS CHILDREN AND YOUTHS

§ 11431. Statement of policy

The following is the policy of the Congress:

(1) Each State educational agency shall ensure that each child of a homeless individual and each homeless youth has equal access to the same free, appropriate public education, including a public preschool education, as provided to other children and youths.

(2) In any State where compulsory residency requirements or other requirements, in laws, regulations, practices, or policies, may act as a barrier to the identification of, or the enrollment, attendance, or success in school of, homeless children and youths, the State educational agency and local educational agencies in the State will review and undertake steps to revise such laws, regulations, practices, or policies to ensure that homeless children and youths are afforded the same free, appropriate public education as provided to other children and youths.

(3) Homelessness is not sufficient reason to separate students from the mainstream school environment.

(4) Homeless children and youths should have access to the education and other services that such children and youths need to ensure that such children and youths have an opportunity to meet the same challenging State academic standards to which all students are held.

(Pub. L. 100-77, title VII, §721, as added Pub. L. 107-110, title X, §1032, Jan. 8, 2002, 115 Stat. 1989; amended Pub. L. 114-95, title IX, §9101, Dec. 10, 2015, 129 Stat. 2124.)

PRIOR PROVISIONS

A prior section 11431, Pub. L. 100-77, title VII, §721, as added Pub. L. 103-382, title III, §323, Oct. 20, 1994, 108 Stat. 3957, stated policy of Congress, prior to the general amendment of this part by Pub. L. 107-110.

Another prior section 11431, Pub. L. 100-77, title VII, §721, July 22, 1987, 101 Stat. 525; Pub. L. 101-645, title VI, §612(a), Nov. 29, 1990, 104 Stat. 4735, stated policy of Congress, prior to the general amendment of this part by Pub. L. 103-382.

AMENDMENTS

2015—Par. (2). Pub. L. 114-95, §9101(1), substituted “In any State where compulsory residency requirements or other requirements, in laws, regulations, practices, or policies, may act as a barrier to the identification of, or the enrollment, attendance, or success in school of, homeless children and youths, the State educational agency and local educational agencies in the State will review” for “In any State that has a compulsory residency requirement as a component of the State’s compulsory school attendance laws or other laws, regulations, practices, or policies that may act as a barrier to the enrollment, attendance, or success in school of homeless children and youths, the State will review”.

Par. (3). Pub. L. 114-95, §9101(2), struck out “alone” after “Homelessness”.

Par. (4). Pub. L. 114-95, §9101(3), substituted “challenging State academic standards” for “challenging State student academic achievement standards”.

EFFECTIVE DATE OF 2015 AMENDMENT

Pub. L. 114-95, title IX, §9107, Dec. 10, 2015, 129 Stat. 2137, provided that: “Except as provided in section 9105(b) [set out as a note under section 11434a of this title] or as otherwise provided in this Act [see Tables for classification], this title [probably means “this part”, meaning part A (§§9101-9107) of title IX of Pub. L. 114-95, amending this section and sections 11432 to 11435 of this title and enacting provisions set out as notes under section 11434a of this title] and the amendments made by this title take effect on October 1, 2016.”

EFFECTIVE DATE

Section effective Jan. 8, 2002, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 107-110, set out as a note under section 6301 of Title 20, Education.

§ 11432. Grants for State and local activities for the education of homeless children and youths

(a) General authority

The Secretary is authorized to make grants to States in accordance with the provisions of this section to enable such States to carry out the activities described in subsections (d) through (g).

(b) Grants from allotments

The Secretary shall make the grants to States from the allotments made under subsection (c)(1).

(c) Allocation and reservations

(1) Allocation

(A) Subject to subparagraph (B), the Secretary is authorized to allot to each State an amount that bears the same ratio to the amount appropriated for such year under section 11435 of this title that remains after the Secretary reserves funds under paragraph (2) and uses funds to carry out section 11434(d) and (h) of this title, as the amount allocated under section 1122 of the Elementary and Secondary Education Act of 1965 [20 U.S.C. 6332] to the State for that year bears to the total amount allocated under section 1122 of such Act to all States for that year, except that no State shall receive less than the greater of—

(i) \$150,000;

(ii) one-fourth of 1 percent of the amount appropriated under section 11435 of this title for that year; or

(iii) the amount such State received under this section for fiscal year 2001.

(B) If there are insufficient funds in a fiscal year to allot to each State the minimum amount under subparagraph (A), the Secretary shall ratably reduce the allotments to all States based on the proportionate share that each State received under this subsection for the preceding fiscal year.

(2) Reservations

(A) The Secretary is authorized to reserve 0.1 percent of the amount appropriated for each fiscal year under section 11435 of this title to be allocated by the Secretary among